

DECISION MEMO
Wapiti Wayside Sewer Maintenance Project

USDA Forest Service
Shoshone National Forest
North Zone/Wapiti Ranger District

Project Identification: N0308

Park County, Wyoming

T52N, R106W, Section 21

Decision

I have reviewed the environmental analysis and my decision is to implement the proposed action for the maintenance of the existing sewer system for the Wapiti Wayside. The Shoshone National Forest will implement this improvement project for maintenance of the Wapiti Wayside sewer system through a contract. The project will be completed during fiscal year 2003 or early fiscal year 2004, subject to constraints such as budget and personnel, capital improvement project funding, changing priorities, contracting, impacts of fire season, etc. The project work is a high priority because of the need for maintenance and improvements to maintain public health and safety.

This action falls under 1909.15 Chapter 31.1b(4) of the Forest Service Handbook on Environmental Policy and Procedures.

(5) Repair and maintenance of recreation sites and facilities.

This category, that does not generally require documentation in a project file or decision memo, is one established by the Chief of the Forest Service. We have decided to complete a decision memo for this action under the discretion provided to us.

This action falls under the “repair and maintenance of recreation sites and facilities” wording of this category because the major emphasis of the order is to protect public safety by performing needed maintenance to bring the facility into compliance with OSHA and EPA requirements.

Based on the experience of implementing similar projects, the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

Background and Proposed Action

The project is located in Park County at T52N, R106W, Section 21. The location is approximately 25 miles west of Cody, Wyoming on U.S. Highway 14, roughly halfway between Cody and the east entrance to Yellowstone National Park in the North Fork of the Shoshone River corridor.

The proposal is known as the Wapiti Wayside Sewer System Project. The wayside is a visitor contact facility, with the primary purpose of providing information and bear education to tourists and recreationists to reduce bear/human conflicts, inform the public of recreational opportunities, food storage orders, etc. The estimated use of the North Fork corridor and travelers to the east gate of Yellowstone National Park exceeds 400,000 visitors annually. Restroom facilities are part of the wayside’s facilities; maintenance/improvement of the current facility is needed for human health and safety. The project is planned for the summer/fall of 2003.

Proposed Action for Sewer System Maintenance

This project will replace the septic tank and the sewage lift station equipment that are located east of the Wapiti Wayside structure, west of the entrance road to the Wapiti Ranger Station, and just north of Highway 14,16, 20 inside of the fenced horse pasture. Deferred maintenance inspections have shown that the existing steel septic tank is in poor condition and in danger of collapsing. A sewage lift station is located just downstream of the septic tanks and pumps the septic tank effluent to the drainfield on the south side of the highway. The original lift station equipment is in poor condition and will be replaced as part of this maintenance project. The effluent pumps cannot be maintained without workers entering the pit, an OSHA-defined confined space. New pumps will be removable for maintenance without the need to enter the pit.

Existing sewer system capacity was checked and found adequate to serve existing and anticipated future use at the wayside facility. Drainfield replacement is not included in this project.

The total area disturbed by this project would be less than 0.25 acres. All of the disturbance will be inside the fenced horse pasture, part of the Wapiti Ranger Station administrative site. Contract time will be 60 calendar days, although Forest Service contractor time on-site will probably not exceed 10 days.

To gather comments and suggestions, a scoping letter was sent out to solicit written comments from all concerned parties. Project alternatives and project design were shaped by this public comment and input and environmental consequences analyzed during the National Environmental Policy Act (NEPA) process initiated by the scoping letter.

Specifics for the Proposed Action

Project design and implementation involves performing maintenance on the sewer system, including:

- Forest Service contractors would replace the septic tank(s), lift station, and sewage pumps as needed. The contract work would probably take less than 10 days.
- Obtaining any necessary permits.
- An archaeological survey of the site was completed with the original project construction as part of the North Fork Highway Reconstruction project. In addition, the Forest Archaeologist visited the site and conducted a Class I survey.
- Rehabilitation of any disturbed areas, fences, etc. as needed (<0.25 acres).
- New septic tanks and sewage pumps would be sized to handle increasing volume at the facility.

Purpose and Need

The project involves maintenance of the existing sewer system that serves the wayside facility. This is identified as a deferred or backlogged maintenance project, to be completed when funds become available.

This action is tied to guidance set forth in the 1986 Shoshone National Forest Plan and Record of Decision. General direction in the Forest Plan (FP-III-7) is “Ensure that National Forest developed sites are appropriate for the surrounding forest setting and do not compete with the private sector or unnecessarily duplicate other public land facilities and services.”

The purpose and need for the proposal is to maintain the Wapiti Wayside facility in a safe condition to meet health and safety standards and protect ground water quality. In addition, compliance with EPA standards and requirements for regarding OSHA-confined space are part of the purpose and need and the project design.

Reasons for Categorically Excluding the Proposed Action

The routine, proposed action falls under Section 31.1b of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook. Based on internal and external scoping, field reviews, specialist’s input and past experience, and project design measures, the effects of implementing this

action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

Forest Plan Direction/Findings Required by Other Laws

This proposal is consistent with laws, regulations, and policy, as well as standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP). The management area is 2B, where the primary management direction is to provide for the rural and roaded recreation opportunities. This decision is in accordance with other applicable federal regulations and laws.

This decision was coordinated with the Wyoming Historic Preservation Officer (SHPO). In a letter from the SHPO (dated 5/24/02) to Region 2 of the Forest Service, if a cultural resource survey is completed and no sites are found then it is not necessary to wait for a concurrence letter from SHPO before the projects can proceed.

The Forest Archaeologist found no cultural sites in the project area, therefore per the 5/24/02 SHPO letter, concurrence can be assumed and for the purposes of Section 106 compliance the project can proceed.

Scoping and Public Involvement

On December 24, 2002, letters were sent to approximately 60 individuals and 28 American Indian tribal contacts to scope their ideas and identify issues and concerns associated with the project and alternatives/opportunities for implementation. Letters were received from the Park County Commissioners and from the Wyoming Office of Federal Land Policy.

Results from this scoping and public involvement effort are summarized as follows. No significant issues relative to this project were identified. Issues revolving around regulations, grazing, outfitters, multiple use, fees, growth and development, tourism, economics, and others could enter the discussion. However, resolution of all issues is beyond the scope of this analysis.

Issues and Concerns and Mitigation Measures

- Concern about potential visual resource concerns and need for rehabilitation of disturbed areas. The small disturbed area (<0.25 acre) will be recontoured and reseeded. Pasture fences will be replaced to original condition. The above ground facilities will be located so that visibility would be minimized; painting, screening, etc. will be utilized as needed to reduce visual impact.
- Concern about possible scheduling of work during busy summer tourist season. The work will be scheduled during the slower off-season, either spring or fall.
- Necessary permits will be obtained and coordination with the Wyoming Department of Environmental Quality-Water Quality Division will occur as needed.
- Health and safety issues associated with the existing facilities (septic tank and lift stations) being inadequate and in need of maintenance/upgrade.
- Biologists were consulted for their expertise on bear/human conflicts and how to best implement this action. Guidelines for reducing bear/human conflicts will be incorporated into the project, to include compliance with the requirements of the Grizzly Bear Management and Protection Plan:
 - ✓ Garbage and refuse handling and disposal procedures will be implemented.
 - ✓ Human safety awareness training, human/bear conflict prevention procedures, and encounter procedures will be conducted.
 - ✓ Enforce human activity restrictions by area, season, etc.

Possible Alternatives

- No Action Alternative – the current situation would continue with an old, inadequate system that may contribute to violating EPA requirements for drinking water. It is probable that the campground and/or the ranger station water systems would be closed down in this case.

- Alternative 2, Proposed Action - the project would be implemented by replacing the existing septic tank, lift station as needed.

No other actions or alternatives were identified that would meet the need. If no action were taken, a satisfactory solution to meet the need for the sewer system upgrade would not result. The Proposed Action was identified during field reviews as being the best alternative to meet the purpose and need and provide for human health and safety.

The decision and actions implemented need to be the most expeditious cost efficient methods available to address concerns in terms of health and safety, visitor services, and facilities management.

This decision is being distributed to interested and potentially affected parties, including those who responded during the scoping process.

Finding of No Extraordinary Circumstances

Under the Forest Service Handbook definition, extraordinary circumstances exist, only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.” Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, wetlands, or municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas. These are summarized in the table below to describe the situation for extraordinary circumstances and the effects the project would or would not have.

Determinations for extraordinary circumstances were reviewed in the context of the Forest Service Handbook (1909.15 Chapter 30.3-30.5) and definition and the court decision below¹. Extraordinary circumstances exist, or are “present,” only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.”

¹ The United States District Court for the District of Utah recently reviewed the provisions of the FSH related to categorical exclusions in *Utah Environmental Congress v. U.S. Forest Service*, Case No. 2:01-CV-00390B. In a Memorandum Opinion and Order issued June 19, 2001, the court found the above interpretation of the FSH to be reasonable. Specifically, the court found that the phrase “presence of” referred to *conditions* that may lead to a finding of extraordinary circumstances, not to the phrase “extraordinary circumstances.”

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, <i>conditions</i> that may lead to a finding of extraordinary circumstances are discussed in greater detail following the table.
a. Steep slopes or highly erosive soils	No. Steep slopes or highly erosive soils are present due to the mountain setting and Absaroka volcanics soil; however, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist since the proposed action would be located on the flat valley floor and not involve steep slopes or erosion problem areas.
b. Threatened and endangered species or their critical habitat (Attach concurrence from fisheries/wildlife biologist and botanist as needed)	Yes, discussed below. A Biological Assessment for Proposed and Listed Species and a Biological Evaluation for R-2 Sensitive Species was completed.
c. Flood plains, wetlands, or municipal watersheds	Yes. Flood plains, wetlands, or municipal watersheds are present; however, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist since the facility is an existing structure that has not led to a finding of extraordinary conditions. Performing the described maintenance would not affect floodplains or wetlands and would have a beneficial effect to municipal watersheds and water quality.
d. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	No. This work does not occur in designated wilderness.
e. Inventoried roadless areas.	No. The project does not occur in an inventoried roadless area.
f. Research Natural Areas	No. None present; therefore, no effects from the project on Research Natural Areas.
g. Native American religious or cultural sites, archeological sites, or historic properties or areas.	No. None present as determined by the Forest archaeologist.

Conditions that may lead to a finding of extraordinary circumstances are discussed in greater detail in the following:

Threatened and Endangered Species

I have concluded that the project would have no effect on any endangered or threatened species known or suspected to occur in the project influence zone; therefore no conditions that may lead to a finding of extraordinary circumstances exist. This is based on the biological analysis/evaluation process prepared by the North Zone wildlife biologist that concluded: *“It is my determination that the proposed action will have “no effect” on any proposed or listed species known or suspected to occur in the area. I have also concluded that this proposed action would have “no effect” on any Region 2 sensitive species known or suspected to occur in the project area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the project area.”*

The wildlife documentation for the analysis/evaluation of this proposal relative to the following species is located in the project file:

- ✓ Proposed, Threatened, and Endangered Species
- ✓ Region 2 Designated Species
- ✓ SNF Forest Plan Management Indicator Species (MIS)

Summary

I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The proposed action is a routine facility maintenance project; the Forest Service and others have been maintaining such facilities for years with predictable results. The action is not related to the actions that would result in significant cumulative impacts. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

Implementation and Contacts

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8 (a) (4). In order to ensure safety for employees and the public and protect infrastructure/facilities, this project will be implemented as soon as possible beginning the summer/fall of 2003.

For further information on the project, contact project leader Tom Koenig at 307-527-6241.

For further information on this decision, contact Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414, or telephone 307-527-6921.

/s/ Brent L. Larson

6/10/03

Brent L. Larson
District Ranger

Date